

HOW DOES THE CHILD SUPPORT SYSTEM AFFECT LOW-INCOME FATHERS?

"I'm trying
to do what
I can, but
right now I'm
struggling."



The Issue

The concept of child support is simple—parents should provide financial support for costs associated with raising their children. Policymakers, advocates and even parents agree that mothers and fathers should contribute to the support of their child. But the financial obligation and how policies are applied are the points at which opinions diverge.

Not all parents earn enough money to provide for their families. As large number of poor families move from welfare to employment, receipt of regular child support provides a source of financial stability. For example, 42 percent of families who have left welfare derive 30 percent of their income from child support.¹ This reality makes it increasingly important that low-income fathers who want to provide for their children are connected with the types of services and supports that can enable them to meet this challenge.

When the child support system was created during the early 1970s, it served as a mechanism by which divorcing parents could legally establish financial obligations that would be paid to one party—usually the mother. It was never intended to deal with the difficult and challenging population that comprises the child support caseload facing the new millennium—fragile families, low-income, never married parents and their children. The child support system is slow and indifferent in distinguishing between those who have financial resources but fail to pay child support, and those who have little or no available resources to pay child support. Simply, the system lacks the tools to sort the deadbeat dads from the deadbroke dads.

As welfare became the social safety net for increasing numbers of single parent families, child support agencies became the cost recovery agency responsible for recouping money spent on public assistance, under the assumption that mothers who need public assistance do not have male partners who contribute support for their children. Both the welfare and child support systems have treated fathers as a source for financial support, using welfare to supplant the father's role as provider, and the mother seemingly has become the sole supporter of their children.²

Under this system, a parent—usually a woman—who applies for welfare benefits receives cash payments in exchange for assigning any collected child support to the state. State child support agencies (IV-D agencies) work to recover this money by enforcing the child support order using a variety of enforcement instruments.

Welfare evolved to focus on individual responsibility, expecting more from its recipients in exchange for benefits—and asking more from child support agencies assigned with collecting support. Federal welfare reform in 1996 institutionalized the notion of personal responsibility by limiting the time that individuals could receive assistance, requiring recipients to work, and requiring them to comply with paternity establishment by identifying the father of their child in order to collect support. Failure to provide this information could result

in sanctions or denial of cash benefits altogether. The majority of welfare applicants and recipients comply with these provisions. However, only about 15 percent of these families actually receive any type of collected child support, even though paternity establishments have increased. Additionally, only one-third have an established child support order, which limits what the system can do to collect anything on their behalf.³

Why Don't Low-Income Fathers Pay Child Support?

The ability to pay child support depends on one factor—money. If you don't have it, you can't pay it. There is an obvious disparity between the numbers of established support obligations and the number of individuals—usually fathers—who pay child support on a regular basis. Unlike the deadbeat dads who avoid paying support, low-income men usually have very different reasons for non-payment (see figure 1).

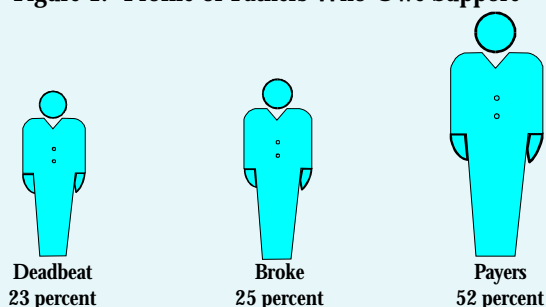
Low Wages

Low-income women tend to partner with men who share many of their characteristics—minimal job skills, limited work history and low educational levels—all of which lead to low-wage employment. More than 80 percent of low-income fathers earn less than \$5,000 annually, which is well below the federal poverty level. These low earnings make it difficult for fathers to comply with court-ordered support. Low-income fathers may

Reasons Low-Income Fathers Fail to Pay

- Unemployment or underemployment
- Orders may be set too high, usually as a result of a default order
- Fathers want their child support payments to go directly to the mother of their child
- Huge arrearages accumulate, leaving fathers to feel they will never be able to pay off their debt
- Fathers feel disconnected from their child if they do not have frequent contact
- Some fathers actively evade payment, although they have resources

Figure 1. Profile of Fathers Who Owe Support



Source: Preliminary calculations by Elaine Sorenson, Urban Institute from the National Survey of America's Families, 1997.

pay large portions of their earnings to satisfy child support payments, leaving some fathers with very little to pay for rent and food for themselves.⁴ This leads many fathers to make informal arrangements to provide what they can, rather than attempt to pay what they owe through the formalized system. In doing so, their payment goes unrecognized and is not recorded through the formal system, and the father foregoes acknowledgment under the formalized system in favor of recognition by his family. One father explained, "I don't pay no child support order, but we sort of got it worked out. If she needs something, she calls me and lets me know and I try to raise it. But if I paid support to the court, I sure wouldn't be able to give her stuff like I do now, and I know her, she wouldn't let me around like I am now."⁵

Default Orders

Low-income fathers fear court proceedings, often associating child support procedures with those of the criminal justice system where they perceive the court's primary interest is in punishment.⁶ This fear is complicated by the fact that most low-income fathers cannot afford to retain legal representation. Most lack a basic understanding of how child support orders are established and how they can be modified. These fears and misunderstandings inhibit many fathers from attending child support hearings; as a result, their child support orders are set by default. The amount of the order

is then determined based on an assumed income that may not reflect the father's actual earnings.

Because most low-income fathers were never married to their child's mother, they do not encounter the systematic procedure that enables divorcing parents to participate in establishing support and visitation arrangements. Many fathers

One recipient explained, "I was already getting child support and I lost my job so I went to go apply for welfare. The first month I got a check and when my child support check didn't come I called to ask why. They told me I was getting welfare instead of child support now. They didn't explain that to me. I thought I'd have my child support check and a welfare check to help me make it. I was better off just getting my child support—less trouble for almost the same amount of money."

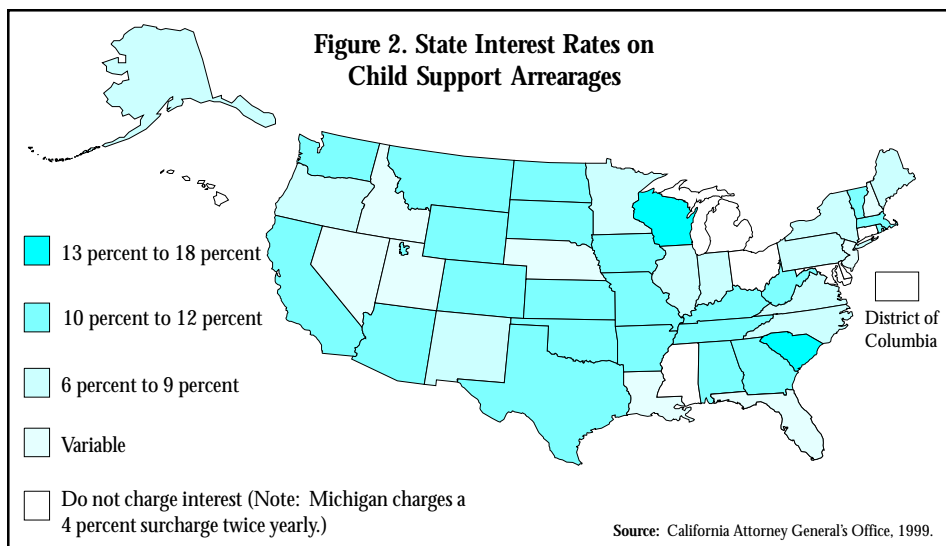
One father explained, "I lived with my girlfriend for four years and one day they came and got me because they said I owed child support. I told them I go to work every day and pay the rent and all the bills where me and my family live. They told me my girl was getting aid so now I gotta pay it back. I don't understand how they say I owe that money when I have been taking care of business since she was born. I didn't even know my girl was getting aid."

assert that one main reason they avoid court proceedings is that they assume, mistakenly, the court already has predetermined their support amount and that the amount is nonnegotiable. In fact, states can provide considerable leeway in determining support for low-income parents, sometimes establishing awards as low as \$10 per month. When a father's employment and income change due to periods of unemployment or lower paying jobs, he may not be aware that he can petition for a downward modification of his child support.

Welfare Arrearages

Because many fathers partner with women who at some point receive welfare, fathers are expected to repay the state for the amount of cash assistance and medical expenses that accumulate while the mother is on welfare. Though this seems rational to policymakers and administrators, in the minds of many low-income men and women this policy often is misunderstood. The long-standing theory has been that fathers are absent from the household when mothers apply for welfare. After talking with fathers, many program practitioners report that they find both parents are in the household. But because neither makes enough money to support their already "fragile family" they make the choice to use welfare to provide the supplemental income to support their needs.

Some women applying for welfare may be in such need of any additional cash support that the short-term goal of providing food and shelter for their family outweighs the long-term consequence of building a debt that the father of their children often does not have the resources to repay. This debt can jeopardize a father's formal participation with later child support enforcement if he views repayment as unrealistic. It may affect the mother's subsequent access to future support if a father becomes disenfranchised with paying formal support. It can also create strain in the relationships between mothers and fathers—sometimes pushing the father away from in-



involvement with his children. Dad may not find out about the debt until many months or years later when he is already thousands of dollars in arrears. Women have a right to apply for welfare benefits, but deserve to be better informed so they can make a more strategic decision about their options.

Some women simply do not understand that by applying for welfare benefits, they usually forego any amount of collected support. Welfare caseworkers may explain policies in a manner that applicants cannot understand, leading some applicants to make an uninformed decision about applying for welfare. In some cases where dad may not be involved with his family when mom applies for welfare, administrative procedures that process paternity and child support information for court proceedings may occur many weeks or months after assistance begins. Because support orders are usually set retroactively, a man who may not have known he was a father immediately owes a huge debt. For both women and men who struggle in low-wage jobs—or with no job—it can take years to pay off even a few hundred dollars of arrearage.

Unrealistic Debt

The arrearage issue is further complicated because most states can charge interest in addition to the principal balance.

States are not required by federal law to charge interest on past due collections. Forty-five states set interest rates of 6 percent to 12 percent on arrearages (see figure 2). Some of these states do not actively enforce payment on interest. This policy tends to target higher income obligors and can help to achieve on-time payments. For fathers with few resources, it has the unintended effect of creating an unrealistic and unpayable debt. As interest compounds, fathers struggle to stay current with their legal obligation. Program practitioners are challenged to continue encouraging fathers to keep current with their obligations although realizing their clients may never reach a zero balance. One father explained, “I pay my child support every month, but with that interest piling up, I will be paying on that debt until I die.”

Table 1 illustrates this point. A father who owes only \$3,000 (less than one year

of welfare benefits in many states) plus interest at 12 percent, and who makes monthly payments of \$20, will never pay off the debt. Under these circumstances, if he misses a payment or loses a job, he has little incentive to stay current on his payments.

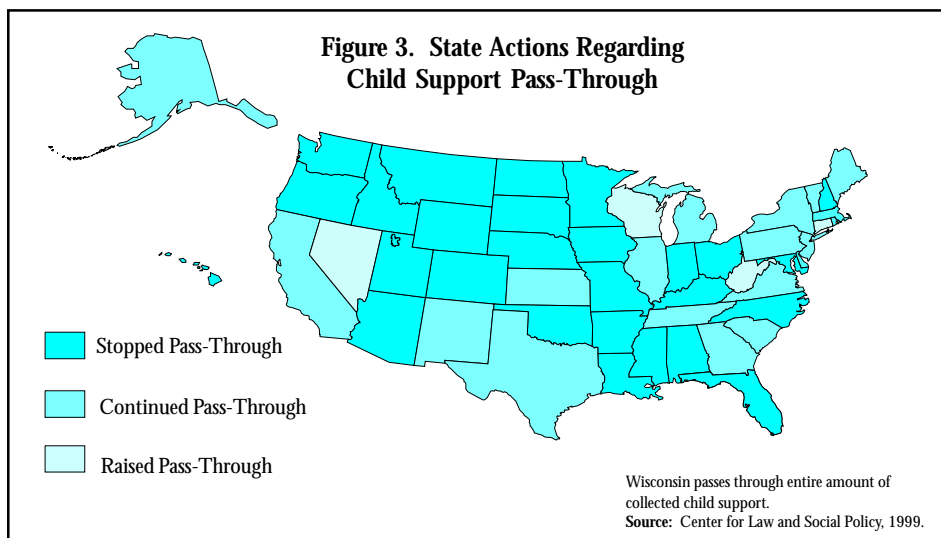
Although \$20 may seem like an insignificant amount to pay on an arrearage, this amount is figured in addition to the usual 18 percent of his earnings that is being collected for current support (if he is paying support for one child.) Repayment prospects under this same scenario are more discouraging if a father owes for more than one child, or if his arrears are higher than \$5,000. Faced with such debt, many dads become discouraged and view repayment as an impossible accomplishment. One dad from Wisconsin explained, “If they come and take me to jail, I won’t care because I provide for my family when I can.”

Payments Don’t Go to the Family

Many low-income fathers express reluctance to pay support because they see that very little, if any, collected support goes directly to the family. They want their support payment to go directly to their child. In 28 states, if the mother and child are on welfare, all collected amounts of child support are retained by the state to offset what it has spent on cash assistance for welfare families. In states that pass through some portion of collected support to families, only 14 percent actually gets to the family; the remainder

Table 1. Arrearage Scenarios Based on Typical Payment on Arrears by Low-Income Father for One Child

Arrearage Amount	\$3,000			\$3,000		
Interest Rate	12%	6%	0%	12%	6%	0%
Monthly Payment	\$20	\$20	\$20	\$50	\$50	\$50
Number of Years to Pay Back Arrears	Never	23.1	12.5	7.6	5.9	5.0
Arrearage Amount	\$5,000			\$5,000		
Interest Rate	12%	6%	0	12%	6%	0%
Monthly Payment	\$20	\$20	\$20	\$50	\$50	\$50
Number of Years to Pay Back Arrears	Never	Never	20.6	Never	11.5	8.3



goes to welfare and child support agencies (see figure 3). Additionally, most child support agencies depend on only 1 percent of TANF revenues for their financial support.⁷

Fathers see this as a disincentive to pay through the system. They want their child support payments to go directly to the mother and child. When fathers learn these payments do not go directly to the mother and child, they often do not pay and begin accumulating arrearages. One father in California explained, “I know I don’t pay [through the government]—why should I? But I do do for him. You see, I want my boy to know that I paid for his shoes, his clothes, not the state.”⁸

Visitation

Sometimes fathers avoid paying support if they do not have frequent contact with their children. In situations where a father cannot keep his financial obligations, mothers sometimes make it difficult for a father to see his child. In response, the father stops paying altogether. Many noncustodial parents cite visitation disputes as reasons for not paying child support.⁹ Helping fathers establish better relationships with the mothers of their children can help fathers get access to their children. Some states are helping dads prepare joint parenting

plans so both parents have input about discipline, visitation, school choice and other issues that usually are left to the discretion of the resident parent. Other states are using mediation and relationship building services to encourage parents to marry.

Some are surprised to find that many low-income fathers give some type of support to their families; it just does not come through the child support system. They provide clothes, food and diapers for their children, or give cash directly to the mother. This strategy helps fathers feel a direct connection to their children and a sense that they are meeting their responsibility, even if it is not

recognized by the court and the child support system. A recent study in Minnesota supports this notion—more than half of noncustodial fathers who did not pay support provided some assistance directly to the mother in the form of cash, gifts or toys.

Clearly, mothers need and deserve regular support from fathers, but for a variety of reasons some agree to informal support—however varied or sporadic—as an acceptable option. As more families reach time limits for welfare benefits, it is even more critical that families have stable and reliable resources. It is essential that policies do more to ignite formal participation in the child support system.

“Low-income fathers are willing to take the risk that they will go to jail or have to deal with child support if it means they provide support directly to their kids. It helps them feel needed and involved,” according to Daniel Ash, consultant for the Partners for Fragile Families demonstration project.

Meeting the Challenge—Policy Options for States

The challenges and barriers facing low-income fathers are difficult, but they are

Policy Options that Address Child Support Issues for Low-Income Fathers

- Pass through collected child support
- Establish realistic support orders for low-income fathers
- Establish flexible policies regarding accumulation of interest on arrearages
- Ensure IV-D agencies set the state debt equal to a support order
- Compromise arrearages
- Redefine the mission of IV-D agencies to combine cost recovery efforts with service referrals
- Develop enhanced child support policies
- Allow a self-support reserve for low-income fathers
- Suspend the collection of child support orders for cohabiting couples
- Devise policies to serve both parents as a family unit
- Conduct outreach to connect fragile families with services before they must apply for welfare
- Create customer service centers within IV-D agencies to allow easier access to information
- Provide information to fathers about modification policies
- Establish modification policies when dads become incarcerated
- Shift paternity establishment away from an immediate court trigger for cohabitating or intact couples

not impossible to overcome if states can assist fathers to meet their obligations. If child support and welfare agencies can change the paradigm they have used to characterize poor families, these agencies can reestablish themselves as the temporary support system and service provider that enables fragile families to provide

New Federal Performance Measurements

- Paternity establishment
- Cases with orders
- Cases with paternity
- Cases with payments on arrears
- Collections to cost ratios

for their children. This becomes increasingly important as more families leave welfare rolls or lose eligibility for welfare through time limits and sanctions. Creating options and incentives to help restore a father's ability to provide for his family reduces the likelihood that families will sink deeper into poverty once welfare is no longer available to them.

Child support agencies primarily focus on cost recovery, and the federal government has been rewarding these efforts with monetary incentives for the amount of support they are able to collect on orders. This incentive directed states to collect from those who were easy to find and who had the financial resources to pay. Under this system, the cost benefit from low-income fathers is low due to the increased effort it takes to work cases with little payoff. Consequently, IV-D agencies have very little experience in interacting with low-income fathers except to administer enforcement mechanisms. They typically apply the same collection methods that yield the greatest dollar amount without regard to a father's ability to meet the obligation. Further, child support agencies have no formal mechanism to identify and separate the fathers who cannot pay support from those who refuse to pay. New federal performance measures may help child support agencies move in a new direction by providing federal incentive

funds to states that perform well at collecting on orders and arrears and that establish paternity. These changes will likely make collecting from low-income fathers as beneficial as collecting from higher income fathers. Redirecting policies toward uncovering hidden barriers and connecting fathers with services can yield greater collection results than traditional enforcement efforts.

This new paradigm requires policymakers to examine two critical issue areas within child support policy: 1) establishing appropriate child support guidelines and procedures to serve low-income fathers, and 2) using child support agencies to connect fathers with services that can help them meet their obligations.

Establishing Orders and Granting Modifications—Using Flexibility

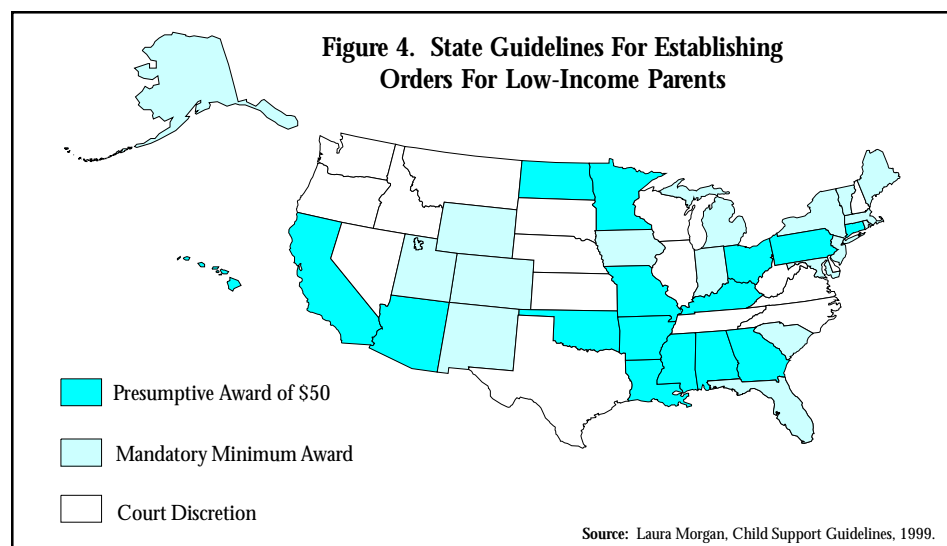
Federal law requires that child support orders be based on an established set of guidelines. The majority of state guideline provisions are established in statute; however, some states have established guideline provisions by court or administrative rule. The guidelines provide a formula used to calculate how much child support a parent should pay. States have considerable flexibility to establish these formulas, to determine the amount

of a child support order and to grant modifications. States are required to review their guidelines every four years, although they can review or update guidelines at any time. During this process, state legislators have an opportunity to ensure that these guidelines recognize the needs of low-income fathers. Most states have some procedures to establish an order for a low-income parent (see figure 4). In some states, the income threshold used to determine whether a parent is low-income is outdated by as much as 10 years. As a result, some parents are excluded from the net that is designed to consider their circumstances when determining an order.

Setting Realistic Child Support Orders

Establishing orders at realistic levels is critical to the likelihood that a father will pay a support order. Within guidelines, states can establish specific criteria to set orders at levels that the lowest income parent can afford to pay.

State guidelines are almost evenly split in their approach to determining awards for a low-income parent (see figure 4).¹⁰ Some states require that a minimum amount of support—usually \$50—be ordered unless there is evidence to support a lower amount. Other states establish an absolute minimum amount—



usually \$20 to \$50—that cannot be modified downward. Still other states leave it to the court's discretion to decide the parent's ability to pay and set the amount based on that determination. In certain cases, the court can use particular circumstances of a parent to deviate from these guidelines as long as the court provides documentation for the reasoning. In many states, low income is considered a deviation factor. However, the documentation requirement discourages states from using deviation factors.

Within guideline calculations, states can establish a self-support reserve for low-income parents to ensure that after child support is paid, the paying parent has enough resources left to live on. This policy usually means a lower support amount for the custodial parent, but the trade-off is a manageable payment the other parent is more likely to pay. Perhaps more importantly, setting a realistic order increases the likelihood fathers will continue to pay over time.

Also critical to future payment prospects is the determination of how far back a support order will be considered. States decide how these policies are addressed. Some states set orders that date back to the birth of a child, which creates a debt once an order is established. Fathers who have not established paternity at birth can be ordered to pay back support. This penalizes fathers who may have been cohabitating with the mother or providing ongoing forms of support from the time the back support covers. For other men who may not have known they were fathers, it eliminates the opportunity for them to willingly establish themselves as a provider.

Some states have tried to soften the immediate debt by limiting the time an order can be retroactive. **Kentucky** prohibits a retroactive support order unless paternity is established within four years, and **Maine** prohibits retroactive support

past six years.¹¹ Other states allow support orders to be established back to the date a proceeding was filed with the court. This policy helps to prevent the automatic issuance of an arrearage that is unrelated to a father's ability to pay and may benefit already willing or engaged fathers.

Although states have some discretion to consider the circumstances of low-income parents, fear and misunderstanding of the court system discourages many fathers from attending the very proceeding that could help ensure they begin formal relationships with child support on a positive note.

In addition to setting orders, states can modify existing orders to make it more feasible for fathers to pay if orders were initially set too high. In most states, a variation in income from 10 percent to 25 percent is enough to request a modification of a current order.¹² In the case of a low-income parent who is unemployed or underemployed, a downward modification can help to provide “breathing room” while the parent looks for work. At the very least, it can help keep fathers in the formal system. Once fathers become employed or are earning higher wages, their order can be adjusted to a higher rate.

Child support orders should accurately reflect the financial circumstances of the

parent. Some advocates argue that granting minimum awards or downward modifications do little to help support mothers and children. Given that less than one fourth of poor families receive support, policies that more effectively facilitate father involvement can help to encourage otherwise disenfranchised fathers to participate in the formal system by giving financial support and hopefully participating as a provider.

Child Support Pass-Through

Federal welfare reform in 1996 allowed states to discontinue the mandated \$50 “pass-through” that gave families the first cut of collected child support. States have authority to provide pass-through amounts at any level, and can choose to give all collected support to the family. This money can be counted as a maintenance of effort (MOE) expenditure under state welfare programs, but states are still required to pay back the federal share for collected support. Most states eliminated the pass-through, opting to keep any support collected on behalf of families. **Wisconsin** is the only state that allows families to keep the entire amount of collected child support. **Connecticut** and **Vermont** allow families to keep large portions of their collected support.

As discussed, these policies of retaining support when the family is on welfare create a tremendous disincentive for fa-

Determining the Income

In setting the support amount, states can use either gross or net income to calculate an order. In the majority of states, gross income is used to determine the award, which can leave low-income obligors with even fewer resources after an order is set. Additionally, the courts can impute income, which allows other factors to guide a determination of the income of a parent used to set an award. This can be problematic for low-income obligors, particularly if they fail to appear for their court hearing or if past work history or previous earnings are used to calculate a support amount. For example, if a parent had a job making \$10 an hour but was laid off and is now unemployed, his child support order could be set based on \$10 an hour even though his present income is zero.

For a court to impute income related to inability to pay, the court must determine whether the person is unemployed or underemployed by a voluntary or involuntary act. In some states, returning to school, incarceration, or substance abuse is considered a voluntary act. This means the court could choose to disregard those situations as a good reason for not having a job and impute income at a higher level.

thers to provide support under traditional mechanisms. “My boy knows when pay-day is; if I pay through the system, there isn’t anything left for me to give to him. He doesn’t understand why the state will take it and he gets nothing, he just knows dad is broke,” said one California father. Passing collected support to the family can be an incentive for women to be more cooperative with support efforts. Although women are required to provide information about fathers to IV-D agencies, there is speculation that many provide just enough information to comply with welfare policies—but not enough to allow IV-D agencies to find fathers. Increasing formal child support payments may reduce the informal support provided by the father, resulting in no added benefit for the mother unless all or a significant portion is passed along.¹³

Addressing Arrearages

States are not required to establish arrearages—or back support—although this has been the standard practice because child support systems have been used as the cost recovery mechanism for welfare expenditures.¹⁴

A little known option for state child support agencies is to compromise arrearages, which forgives a portion of a father’s debt owed to the state for welfare benefits paid on behalf of the mother and child. The rationale for this policy choice is to lessen the debt burden on fathers, particularly if the debt is so high that it is unrealistic that the father will ever pay it off. The federal Office of Child Support Enforcement clarified a state’s ability to execute this option through a policy clarification issued to IV-D directors in March 1999.¹⁵

If a state chooses to accept less than the full amount of an arrearage, it is not liable to repay any federal share of this amount. States are only required to pay a federal share on any collected support. Because this money is a debt and no

A Success Story in Illinois

The department worked with one father who was more than \$40,000 in arrears with his child support. After months of trying to locate him, they finally found him in a homeless shelter in Florida where he had been receiving food stamps. After he moved back to Illinois, the department was able to connect him with some basic employment services and a substance abuse program. The father was able to secure a job at a local drugstore. Six months later he was promoted to a managerial position. When he appeared in court, the judge compromised \$30,000 of his arrearage because of his diligence and progress in employment. He continues to pay regular child support and is actively engaged in the lives of his children.

money has been collected by the state, the state does not pay a federal share.

Some raise concerns that forgiving arrearages may hurt custodial parents or send a wrong message to fathers that their financial obligations are not a serious matter for the state. Caution should be exercised when considering the use of this policy. By design, the policy is used as a tool to promote the likelihood of future collections, which are more likely if fathers face realistic debt and repayment options. Because states retain debt support before distributing support to families, mothers will not realize a financial benefit for money the state is able to collect under the arrearage. If debts are lowered or forgiven, the likelihood increases that families will realize an increase in financial support in future years.

“Many women would rather get what they can in terms of child support sooner, rather than later. When you are dealing with low-income families, access to additional resources can make more of a difference in the short term. Compromising arrearages is a way to provide a real incentive to fathers who are trying to do the right thing,” says Dianna Durham-McCloud, president of the National Child Support Enforcement Association and the former child support director in Illinois.

Some states are beginning to address the arrearage issue for low-income fathers by reshaping policies that have become systemic barriers to child support payment. **New York** sets a limit of \$500 on the amount of arrearages that can accumu-

late if a father’s income is below the poverty level.

Large arrearages can accrue because fathers are expected to pay back the money a state spent on cash assistance to families receiving welfare, so it is critical that policymakers examine how states are establishing the state debt that becomes the arrears. Federal regulations require states to set the amount of state debt the same as a child support obligation, thus ensuring that as long as an obligor makes his payment, his debt will accrue no faster than the child support order amount.¹⁶ State policies have traditionally established the debt equal to the amount of assistance that the state provided in welfare benefits.

For example, if a state pays \$280 in welfare benefits to the mother, traditionally the father would be expected to reimburse the state the full \$280. If his support order was only \$100 per month, this creates a debt of \$180 per month, even though the father has been compliant. Creating an equal ratio between the order and the debt would mean that the \$100 support order would satisfy the state debt as long as he continues to pay. Ensuring that state debt is set according to federal regulations can help to make certain fathers will start out debt-free when they begin making their child support payments.

If a father is incarcerated, orders usually continue despite the obvious fact that fathers lack resources to pay an order at its current level. This causes many fathers to accumulate massive debt by the

time they are released. Establishing policies that make it easier for fathers to modify orders while incarcerated can help reduce this barrier. **North Carolina** developed a procedure that automatically modifies a support order once a father is incarcerated. **Colorado's** child support enforcement agency sends newly incarcerated fathers a letter explaining the procedures for modifying their support order to make sure fathers understand their right to a modification based on a change in circumstances.

Paternity Establishment Trigger

Research indicates that more than half of unwed fathers are present at their child's birth and that they have provided financial support for the mother during pregnancy.¹⁷ Additionally, 80 percent report cohabitation or romantic involvement. Given this level of involvement, policies directed toward nurturing relationships and encouraging responsible parenting have a good chance of producing lasting benefits for the child and parents—if systematic policies do not interfere.

Data also suggests that this involvement diminishes as children age.¹⁸ Given the high level of involvement with the welfare system, it is conceivable that policies may aggravate an already vulnerable

situation. At the very least, such policies do nothing to support and nurture these family relationships. Between birth and age 3, the majority of children live with both parents (either married or unmarried). Between the ages of 4 and 12, the numbers drop sharply from 44 percent to 36 percent. By the time children reach adolescence, less than one-fourth of them are living with both parents (see figure 5). Additionally, the number of children living in fragile families declines at an even faster rate as they approach their teen years.

While genetic testing is used to define biological relationships between a father and child, fathers are often willing to claim this relationship voluntarily. Low-income fathers who do not establish paternity may do so as a rationale for avoiding a formal child support arrangement in order to maximize resources without jeopardizing public assistance benefits.¹⁹ Other fathers fear that they will not be able to make regular court-ordered payments, and risk penalties under the legal system.²⁰

Paternity acknowledgment creates a legal right to support for a child if parents are unmarried and it also can begin the first stage of a child support proceeding. If a mother applies or has received welfare and does not disclose whether she is

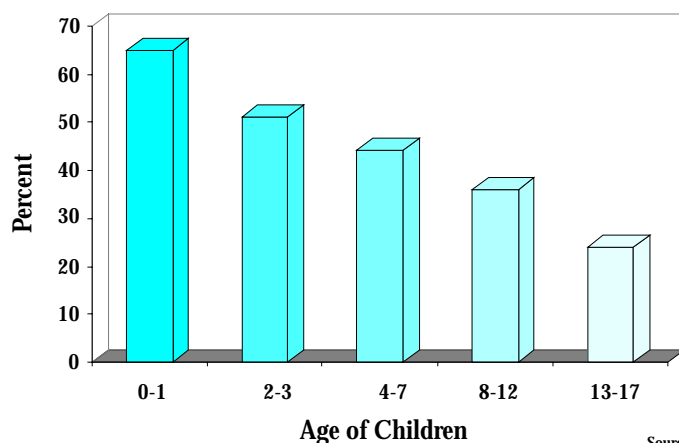
cohabitating with the father or whether the father provides support, a child support agency tries to collect support from the father. In cases of voluntary paternity establishment, a father may be ready to claim paternity but may be unaware that his good intention can trigger an immediate debt if his partner has been on welfare. This can cause a rift in what may be an already volatile situation. Voluntary paternity establishment is an opportune time to inform fathers of their legal rights and obligations and to provide them with resources to help them get jobs if they are unemployed. If parents are cohabitating when paternity is established, it may be appropriate to establish the child support order but to suspend enforcement of the order until, or if, the parents separate. This simplifies enforcement of orders and eliminates duplication by asking fathers to pay support through the formal system only to have the system return the payment to his household.

In **Illinois**, child support orders for unmarried couples are suspended for as long as the couple is cohabiting. "It seemed a better policy to recognize the contribution these fathers were already making, rather than expend resources to collect money from these guys then turn around and write a check to mom who lives at the same address," according to Dianna Durham-McLoud.

At this juncture, connecting both mothers and fathers with various types of services can assist new parents in dealing with the stress of becoming parents, as well as providing other types of services that can help them get needed jobs or support services. The uncertainty of knowing what their partners and others expect from them leads many men into becoming disengaged simply because they are too afraid to ask for help.

The experience of one Chicago father illustrates this. "I didn't know what to do, I didn't know what she needed me to

Figure 5. Percentage of Poor Children Who Live with Both Parents



Source: Preliminary calculations, National Survey of American Families, Urban Institute, 1999.

do, so instead of asking I just didn't do anything. I knew it wasn't right, but I didn't know how to ask for help. She was mad and it made me feel worse to know that I left her to deal all by herself. She was right to be mad, but I still don't know what I should do to make up for that." Connecting with men before they reach this point can help them communicate with their partners about needs and expectations, and also can help to raise their confidence in their own abilities as parents.

Enhanced Child Support Enforcement

One relatively new policy option for child support enforcement agencies is to focus attention on cases that typically have had low priority, then develop an action plan using a combination of nontraditional means. These could include downward modifications, payment plans, and referral to services to help men get jobs, negotiate visitation plans, or develop better parenting and relationship skills. Known as enhanced child support enforcement, this policy directs child support workers to use case management and outreach rather than punitive measures to engage low-income fathers and bring them into the formalized system to pay child support. This new approach also allows child support agencies to develop more effective means to sort through their complex caseload. This will more appropriately gauge the type of enforce-

Sorting and Referral Options	
Deadbeat Dads	<ul style="list-style-type: none"> • Apply full enforcement
Deadbroke Dads	<ul style="list-style-type: none"> • Temporarily modify orders • Refer to employment services • Apply full enforcement for failure to comply • Compromise arrearage if father faces unrealistic debt • Modify order for incarcerated fathers
Underground Dads	<ul style="list-style-type: none"> • Conduct outreach to uncover unreported unemployment • Refer to services if unemployed • Establish realistic support order • Close case if appropriate
Fragile Families	<ul style="list-style-type: none"> • Divert from full enforcement if cohabitating • Establish paternity, suspend order if cohabitating • Enforce order if family breaks apart • Use voluntary or in-hospital paternity establishment to refer family to supportive services before family resorts to welfare

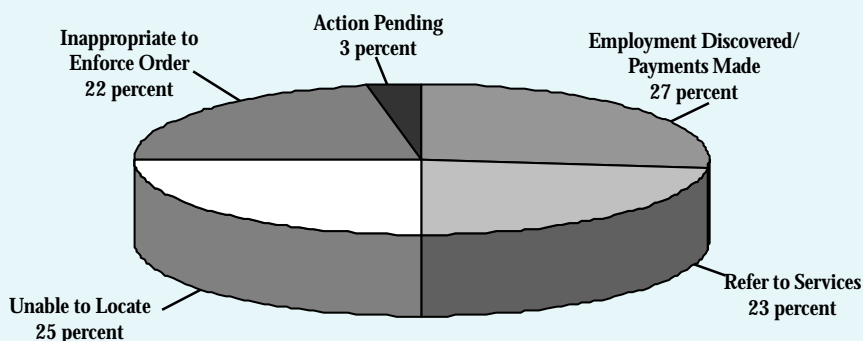
ment or service strategy that would most likely result in immediate collections or help to ensure future collections.

Using enhanced child support enforcement strategies to work with low-income fathers demands including service delivery along with traditional cost recovery goals. It also involves a change in the attitudes of many front-line workers. Instead of asking workers to revoke licenses, seize assets and pursue jail time for nonpaying fathers, workers will be asked to more carefully distinguish between the deadbeat and the deadbroke fathers. Part of this challenge involves attitudinal change to include fathers as clients of the system rather than as the

adversary in all cases. **Louisiana** responded to this challenge by sponsoring statewide customer service training for all its child support workers. Workers were educated about the financial differences of their clients and how their enforcement mechanisms may affect fathers differently. They were also trained in various customer services skills, as well as anger management and communication skills. Most importantly, they were given a new mission and direction to focus on fathers who want to pay but are having difficulty.

Making this shift may increase expenditures, but it also increases the likelihood that child support agencies will meet their goal of collecting support. Research demonstrates that child support program expenditures have a direct correlation to the amount of money states are able to collect.²¹ Over time, these strategies—combined with service referrals to help fathers begin paying support—produce enough revenue for programs to be self-sustaining. Changing expectations and redirecting their mission can be an appropriate starting point, given that traditional child support enforcement approaches by themselves have shown only limited success in increasing the well-being of most low-income families.

Figure 6. Results of Increased Outreach



Source: Parents' Fair Share Demonstration, 1998.

In **Los Angeles County**, both child support workers and local service providers conduct intake at the courthouse for fathers who are behind in child support payments. In exchange for a downward modification (if their child support order is set too high), participants receive intensive help finding a job, peer support, parent education, communication and relationship skills and help in developing a co-parenting plan if they are not married to the mother of their child. Unique to this approach is the fact that all partners—child support officials, local employment providers and county staff—meet weekly to discuss the progress of clients, or to agree on a course of action for clients who do not participate according to their responsibility agreement. Additionally, the program is self-supportive—it brings in more revenue than it costs to operate the program. The program has successfully increased collections for this population by a substantial margin.

Georgia and Missouri operate similar programs that use child support agencies as connection points to refer fathers to employment-based services. These programs are unique in that they services are available statewide. Georgia developed partnerships with technical institutions to train fathers in such fields as heating and air conditioning repairs, carpentry, welding, computer repair and automotive repair. Eighty percent of fathers who complete the program retain employment and 80 percent are paying child support. In Missouri, child support workers are required to refer eligible fathers to the program. Courts use referrals as a condition of probation for failing to pay support. After completing the program, 80 percent are still employed and 85 percent continue to pay support. After expanding the program statewide, the program increased collections by \$1 million over the previous year.

One of the primary goals for using enhanced child support enforcement is to uncover previously unknown information about the father (see figure 6). This information can help agencies identify the evaders from those that simply cannot pay. This strategy has proved successful by increased child support payments as much as 15 percent in some cases. Perhaps more importantly, these payments continue over time. Given that collections for this population have been limited, policymakers can view such an increase as a great success.

After caseworkers conduct additional outreach to locate the fathers, they are usually scheduled for a hearing at which they have an opportunity to present information about their circumstances that may warrant a change in the support order. These hearings often reveal previously unreported income, which allows IV-D agencies to execute a withholding order to collect support. They also iden-

tify those fathers who may be unemployed, incarcerated, receiving SSI (supplemental security income) or living with the mother of the child. This information assists child support staff to develop the appropriate course of action—whether to apply tough enforcement standards, to help fathers meet their obligations by possibly modifying their order downward to make it more reasonable to pay, or to connect them with services to help them get jobs.

Extending the olive branch in the form of outreach services allows child support agencies to more readily connect with families before they become absorbed into a system that may deter father involvement. Using welfare and child support caseworkers as a gateway to provide information about available services to fathers during welfare application can assist the state in reaching fathers. Information sharing can occur in various ways, including distributing written material during hospital paternity establishment, welfare intake, child support appointments, and through outside community organizations. Such information can also help to dispel misinformation that many mothers and fathers have about child support policies and welfare eligibility if fathers and mothers

cohabitate. If fathers are connected with services before child support proceedings begin, they stand a better chance of establishing realistic and payable orders, and the enforcement agencies are more likely to obtain child support payments. These factors reduce the chances that fathers will revert to informal tactics to provide support for their family, helping child support agencies to eliminate costly time and effort spent trying to locate and enforce orders or developing payment plans and modifications for fathers they eventually locate.

Policymakers can assist child support agencies to rethink their current strategies with regard to low-income fathers. Combining increased outreach and enhanced enforcement allows states to connect fathers with much-needed services to help them meet obligations, while continuing the basic function of collecting support.

What the Future Holds for Child Support Agencies

Child support enforcement works well for fathers who have jobs that pay enough for them to support a family, but not so well for fathers without jobs and limited resources. Child support agencies of the future face two critical policy decisions

Critical Policy Decisions For Child Support Agencies

- How to deal with families that already are part of the system.
- How to help those that are not yet in the system.

regarding fragile families: how to deal with families that already are part of the system, and how to help those that have yet to come into the system. State legislatures can assist in transitioning and developing these policies.

For fathers already in the system, states must weigh the option of continuing existing efforts to collect mandated support, realizing that in the best of times,

Daddy Boot Camp

Through local hospitals, new fathers in Denver, Colorado, can participate in a specialized program designed to teach men how to care for their newborns and how to support their partners once they bring their babies home. The program also provides information on child development.

regular collections for this population are less than 20 percent. Or, they can redefine their mission of collecting support by attempting to bring these fathers back into the lives of their families by creating incentives and opportunities for them to demonstrate their willingness to be responsible providers. “We have built a strong child support enforcement program, but we are now realizing that poor children have poor fathers who may be unable to support their families and there are unintended consequences to being thrown into the system,” says Pauline Burton, IV-D director in Colorado.

Treating both mother and father as a family unit is one way that state policymakers can divert families from potential problems derived from accumulating arrearages, default orders and frustrations that the state retains money they pay in child support. Using child support agencies as an entry point to service referral and suspending enforcement of child support orders until and if families separate may increase prospects that children will grow and develop with the support of two involved parents.

Continuing to focus exclusively on cost recovery will undermine the goal of welfare reform—to support families and children without government assistance. Families will increasingly rely on other sources of support as they begin to climb the ladder of self-sufficiency without welfare benefits. Because current support efforts yield little help for poor families, redirecting the mission of child support to become more service oriented can only help fathers realize their potential as financial providers both in the eyes of the system and in the eyes of their families.

—By Dana Reichert, NCSL



Want to know more? Contact NCSL's Nurturing Responsible Families project for technical assistance at (303) 894-3191.

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